

REMARKS

As a preliminary matter, Applicants' representative, Kami Lammon-Hilinski, thanks the Examiner and the Primary Examiner for the courtesy of a phone interview on October 6, 2005. It is noted that during the interview the following references were generally discussed Goepfert et al. (US 4,683,153), Dudai (US 6,874,888), Boulineau et al. (US 2004/0125337) and Moravec et al. (US 6,671,452).

Claims 1-33, 117-141, 157-177, and 193-194 are pending in the Subject Application. In the Office Action, the Examiner rejects claims 1-33, 117-135, 140, 157-163, 176-177, 193 and 194, and objects to claims 136-139, 141, and 164-175 as being dependent upon a rejected base claim. The Examiner further indicates that claims 136-139, 141, and 164-175 would be allowable if rewritten in independent form including all limitation of the base claim and any intervening claim.

Claims 1-135, 140, 142-163 and 176-194 are cancelled herein without prejudice to filing one or more divisional and/or continuing applications.

Claim 136, 141 and 164 are amended herein to present these claims in independent form. Claim 167 is amended herein to correct an obvious typographical error. Claim 173 is amended herein to recite that the at least partial coating comprising the at least one anisotropic material and the at least one dichroic material is applied to the portion of the at least partial coating comprising the alignment medium. Applicants assert that no new matter has been introduced to the Subject Application by these amendments and request that the Examiner enter the same.

New claims 195-266 are added herein. Support the new claims can be found through out the Subject Application, including the specification, examples, and claims as filed. Although not intended to be an exhaustive recitation, Applicants notes the following:

- Support for claims 195-198, 215-221, 237-238, 244-248 & 263-265 can be found, for example, at paragraphs [0076]-[0083] & [0129], [0132];
- Support for claims 199, 205-206 & 208 can be found, for example, at paragraphs [0100]-[0102];
- Support for claims 200, 207, 211, 250 & 262-263 can be found, for example, at paragraphs [0053]-[0067], [0104] & [0123];
- Support for claims 201-204 can be found, for example, at paragraphs [0044]-[0048] & [0093]-[0097];
- Support for claims 223-227 & 251 can be found, for example, at paragraphs [0039]-[0042];
- Support for claims 209-210, 228-232, 252-253 and can be found, for example at paragraphs [0044]-[0048];
- Support for claims 212-213, 234-235, 239-240 & 264-265 can be found, for example, at paragraph [0127];
- Support for claims 214, 236, 242 & 266 can be found throughout the Subject Application;
- Support for claims 222, 243 & 254 can be found, for example at paragraphs [0121]-[0123], [0149]-[0152] & Examples;
- Support for claims 230-231, 249 & 258-259 can be found, for example at paragraphs [0121]-[0123], [0137]-[0138], [0146], [0149]-[0152] & Examples; and
- Support for claims 232-233, 241, 255-257 & 260-261 can be found, for example, at paragraphs [0124]-[0126].

Applicants respectfully request that the Examiner enter new claims 195-266 into the record.

Allowable Subject Matter

In the Office Action the Examiner indicates that claims 136-139, 141, and 164-175 would be allowable if rewritten in independent form. Applicants have amended claims 136, 141, and 164 herein to present the same in independent form. Accordingly, Applicants

submit that claims 136, 141, and 164 are in a condition for allowance and respectfully request that the Examiner withdraw her objection to these claims and allow the same.

Applicants further submit that, at least for the reason that claims 136 and 164 are in a condition for allowance, claims 137-139, which depend from claim 136, and claims 165-175, which directly or indirectly depend from claim 164, are also in a condition for allowance and request that the Examiner withdraw her objection to these claims and allow the same.

New Claims

New claims 195-214 depend, either directly or indirectly, from claim 136. At least for the reason that claim 136 is in a condition for allowance, Applicants submit that dependent claims 195-214 are also in a condition for allowance and request that the Examiner consider and allow the same.

New claims 215-236 depend, either directly or indirectly, from claim 141. At least for the reason that claim 141 is in a condition for allowance, Applicants submit that dependent claims 215-236 are also in a condition for allowance and request that the Examiner consider allow the same.

New claims 237-242 depend, either directly or indirectly, from claim 164. At least for the reason that claim 164 is in a condition for allowance, Applicants submit that dependent claims 237-242 are also in a condition for allowance and request that the Examiner allow the same.

New claim 243 recites (with emphases added) ***a method of making an ophthalmic element comprising forming an at least partial coating adapted to polarize at least transmitted radiation on at least a portion of at least one exterior surface of the ophthalmic element, wherein forming the at least partial coating adapted to polarize at***

least transmitted radiation comprises: applying an at least partial coating comprising an alignment medium to the at least a portion of the at least one exterior surface of the ophthalmic element; at least partially ordering at least a portion of the alignment medium; applying an at least partial coating comprising at least one dichroic material and at least one anisotropic material to at least a portion of the at least partial coating comprising the alignment medium; and at least partially aligning at least a portion of the at least of the at least one dichroic material.

In view of the Examiner's indication of allowable subject matter in the Office Action, Applicants submit that new claim 243 is also in a condition for allowance and respectfully request that the Examiner consider and allow the same. Further, at least for the reason that claim 243 is in a condition for allowance, Applicants submit that claims 244-266, which either directly or indirectly depend from claim 243, are also in a condition for allowance and respectfully request that the Examiner consider and allow the same.

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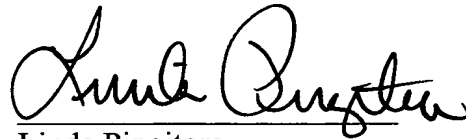
CONCLUSION

Claims 136-139, 141, 164-175, and 195-266 are pending in the Subject Application. For the foregoing reasons, Applicant respectfully submits that the pending claims are in condition for allowance and requests that the Examiner allow the same.

While it is believed that no extension fees are due in connection with filing this response, should the Commissioner determine that such a fee is due, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 16-2025.

If the Examiner should have any questions regarding any of the foregoing, or if the Applicants' representative may be of any assistance to the Examiner in addressing any remaining issues to advance the Subject Application to allowance, the Examiner is invited to contact the Applicants' representative, Kami Lammon-Hilinski (Reg. No. 51,913), at 412-355-8928.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Linda Pingitore", written over a horizontal line.

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